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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,497	08/27/2003	Paul G. Conley	LINI 5666.3	5877

321 7590 07/12/2004

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

MCANULTY, TIMOTHY P

ART UNIT PAPER NUMBER

3682

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,497

Applicant(s)

CONLEY ET AL.

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 6-8 is/are allowed.
- 6) ☐ Claim(s) 4, 5, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12 November 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4:

- a. it is unclear how the second lengthwise passage communicates with said dual passage as claimed in lines 26-28 of claim 4,
- b. it is unclear how the valve establishes communication between said second lengthwise passage and the passage in the valve in the first position as claimed in lines 34-35 of claim 4.

Regarding claim 9:

- c. it is unclear how the second lengthwise passage communicates with said dual passage as claimed in lines 26-28 of claim 9,
- d. it is unclear how the valve establishes communication between said second lengthwise passage and the passage in the valve in the first position as claimed in lines 34-35 of claim 9.

A proper correction to the above 35 USC §112 rejections could include:

- e. replacing "dual passage" in line 28 in both claim 4 and claim 9 with --second transverse passage--,

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- f. replacing "transverse" in line 34 in both claim 4 and claim 9 with --lengthwise--, and
- g. replacing "passage in the valve" in line 35 in both claim 4 and claim 9 with --dual passage--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,653,466 to Fujita et al. (Fujita)

Fujita discloses in figures 3-6 an assembly comprising a manifold having lubricant supply passaging therein and outlet passaging therein; and an a plurality of injectors, each injector having an elongate body having a face engaging said manifold, an inlet including inlet passaging 54a and an inlet chamber 54 adjacent a first end of said injector, and an outlet including outlet passaging 56a intermediate said inlet and an end of said injector opposite said first end.

Allowable Subject Matter

5. Claims 1-3 and 6-8 are allowed. The prior art discloses or teaches an assembly comprising a manifold and a plurality of injectors wherein each of the injectors comprises a body having an inlet; an outlet; a measuring chamber; a piston; and a valve wherein said lubricant injector cycles through a state of repose wherein pressure of a lubricant in the inlet is relieved, progresses through a state wherein lubricant under pressure is delivered to the injector via the inlet to be discharged, and ends in a state for venting the injector. However,

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regarding claims 1 and 6, the prior art does not disclose or teach said state for venting the injector to include transmission of lubricant from said inlet to the measuring chamber;

regarding claims 2,3,7, and 8, the prior art does not disclose or teach a state wherein an increase of pressure at said inlet moves said valve to block lubricant transmission from said inlet to said measuring chamber.

6. Claims 4 and 9 would be allowable if rewritten or amended, as suggested above, to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art disclose or teaches the basic apparatus as set forth above but does not disclose or teach a state wherein an increase of pressure at said inlet moves said valve to block lubricant transmission from said inlet to said measuring chamber.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the general state of the art regarding manifold and injector assemblies:

US Patent No. 5,341,846 to Framberg

US Patent No. 4,399,836 to de Versterre et al.

US Patent No. 4,186,821 to Wegmann


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 


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